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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,873	08/06/2003	Jerome Lavoie	15397-1US SC/ip	7621
20988	7590	03/25/2005	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,873	<b>Applicant(s)</b> LAVOIE, JEROME	
	<b>Examiner</b> Jason Prone	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. The indicated allowability of canceled claim 6 and claim 7 is withdrawn in view of the newly discovered reference(s) to Kimmel et al. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 7-10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bracq (FR-1,277,394) in view of Schroeder et al. (2,722,247) and further in view of Kimmel et al. (6,718,857). Bracq discloses the invention including a frame (1), a guide mounted to the frame for guiding a piece of wood along a feed path having a cutting zone (3), at least one circular blade mounted in the cutting zone and driven in rotation about an axis transversal to the feed path (6), and that the blade has a toothless cutting edge (6). A source of power driving the blade (Fig. 1), a feeder advancing the piece of wood through the cutting zone at a linear speed substantially equal to a tangential speed of the cutting edge (f1), that the guide includes a roller mounted on one side of the feed path and biasing in rolling engagement with a side of the piece of wood while the wood is advancing (3), that the source of power includes a single motor (Fig. 1), and that the blade and the feeder are driven by the single motor through a gear box having first and second outputs connected to first and second

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transmissions configured to ensure a linear speed ratio of 1:1 between the tangential speed at the cutting edge and the advancing speed imparted to the piece of wood by the feeder (Fig. 1). The feeder includes a power driven feed roller adapted to frictionally engage a top surface of the piece of wood (4), that the at least one circular blade includes upper (6) and lower circular blades (5), that the blade are driven in opposite directions by the source of power (f2 and f3), and that the upper and lower blades are coplanar and places slantwise behind each other (Fig. 1) however, Bracq fails to disclose that the roller is rotatably mounted on a pivot plate, that the pivot plate being mounted for pivotal movement about an axis normal to the support surface, the roller is maintained in contact with the piece of wood by a piston and cylinder arrangement, that the piston cylinder arrangement includes a piston pivotally connected to the pivot plate, that the piston is linearly slidable in a cylinder pivotally connected to a base plate to which the pivot plate is mounted, that the base plate is adjustably mounted to the support surface of the frame for releasably securing the base plate at various distances from an axial extending gliding surface, an axially extending gliding surface is provided on a side of the feed apparatus opposite the roller, that the roller pushes the wood against the gliding surface, and that the an axially extending gliding surface is adjustably mounted to a support surface of the frame. Schroeder et al. teaches a roller (29) that is rotatably mounted on a pivot plate (24), that the pivot plate being mounted for pivotal movement about an axis normal to the support surface (27), that the base plate (16) is adjustably mounted to the support surface of the frame for releasably securing the base plate at various distances (18) from an axial extending gliding surface

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provided on a side of the feed apparatus opposite the roller (12), that the roller pushes the wood against the gliding surface (Fig. 1), and that the an axially extending gliding surface is adjustably mounted to a support surface of the frame (12). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Bracq with an axially extending gliding surface and pivotal roller, as taught by Schroeder et al., to allow work pieces of varying widths to advance in a straight line.

Kimmel et al teaches the use of a piston cylinder arrangement to act as the biasing member to act against the side of the work piece (120). Kimmel et al. modifies Schroeder et al. by replacing the spring biasing means with the piston cylinder arrangement. In light of this statement, Schroeder et al. in view Kimmel et al. teach a roller that is maintained in contact with the piece of wood by a piston and cylinder arrangement (120 in Kimmel et al.), that the piston cylinder arrangement includes a piston pivotally connected to the pivot plate (the piston of Kimmel et al. would connect to the pivot plate 24 in Schroeder et al. at the same place the spring biasing means does shown at 25 in Schroeder et al.), that the piston is linearly slidable in a cylinder connected (120 in Kimmel et al) to a base plate to which the pivot plate is mounted (the piston cylinder arrangement would mount to the base plate of Schroeder et al. at 19). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Bracq in view of Schroeder et al. with a piston cylinder arrangement, as taught by Kimmel et al., to provide a more efficient work biasing means.

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4. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bracq in view of in view of Schroeder et al. and further in view of Kimmel et al. as

applied to claims 1 and 10 above, and even further in view of Massé (4,938,111).

Bracq, Schroeder et al., and Kimmel et al. disclose the invention but fail to disclose that

the feeder includes a power driven discharge roller adapted to engage the top surface

of the wood and that the feed, that the discharge rollers being respectively upstream

and downstream of the blade relative to a direction of travel of the wood, that the power

driven feed roller is supported by an overhead mounting structure comprising a

mounting plate mounted for vertical sliding movement along a vertical guide, a biasing

structure acts on the roller mounting plate for positioning the feed roller against the top

surface of the wood, and that the biasing structure is a piston and cylinder arrangement.

Massé teaches a feeder that includes a power driven discharge roller adapted to

engage the top surface of the wood (22), that the feed and discharge rollers that are

respectively upstream and downstream of the blade relative to a direction of travel of

the wood (Fig. 2), that the power driven feed roller is supported by an overhead

mounting structure comprising a mounting plate mounted for vertical sliding movement

along a vertical guide (Fig. 2), a biasing structure acts on the roller mounting plate for

positioning the feed roller against the top surface of the wood (28), and that the biasing

structure is a piston and cylinder arrangement (28). Therefore, it would have been

obvious to one of ordinary skill in the art, at the time of the invention, to have provided

Bracq in view of in view of Schroeder et al. and further in view of Kimmel et al. with a

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discharge roller and biasing structure, as taught by Massé, to better keep the work piece in the preferred cutting position straight until the whole cut is completed.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
March 14, 2005



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